(56)

HIGH COURT OF CHHATTISGARH: BILASPUR

Writ Petition No. 7049 of 2006

Petitioner : Smt. Champa.

Versus

Respondents : State of Chhattisgarh and others

Post for order on 25th-6-2007

Sd/-
Satish K. Agnihotri
Judge

(59)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Writ Petition No. 7049 of 2006

PETITIONER : Smt. Champa W/o Goverdhan, Panch (Officiating Sarpanch), Village Panchayat Choranga, Block Lailunga, Distt – Raigarh.

VERSUS

RESPONDENTS :
1. State of C.G. through Secretary Panchayat and Social Welfare dept. Mantralaya Raipur (C.G.)
2. Distt Collector, Distt – Raigarh (C.G.)
3. Chief Executive Officer Janpad Panchayat Lailunga Distt – Raigarh
4. Gram Panchayat Choranga through Secretary, Block Lailunga Distt – Raigarh
5. Smt. Heera Moti, Removed Sarpanch Gram Panchayat Choranga, Block Lailunga Distt – Raigarh.

Single Bench: Hon'ble Shri Justice Satish K. Agnihotri

Shri Manindra Shrivastava, Senior Advocate with Shri K.N. Nande, Advocate for the petitioner.
Shri Utkarsh Verma, Dy. Govt. Advocate for the respondent No. 1 and 2/State.
None appears for the respondent No. 3 and 4.
Shri Goutam Bhaduri, Advocate for the respondent No. 5.

ORDER

(Passed on this 25th June, 2007)

1. By this petition, the petitioner questions the legality and validity of the order dated 17.10.2006 (Annexure P/6) whereby the Collector, Raigarh (Respondent No. 2), in exercise of its power under sub-section (4) of Section 21 of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (hereinafter referred to as 'the Adhiniyam, 1993') in a pending reference, whereby subsequent action pursuant to the no-confidence motion proceedings held on 03.07.2006 against the Sarpanch (Respondent No. 5) was stayed.

2. The indisputable facts are that the petitioner was appointed as officiating Sarpanch under the provisions of Section 38(1)(b) of the Chhattisgarh

(60)

Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993. The respondent No. 5, the elected Sarpanch against whom no-confidence motion was carried out, referred the dispute to the Collector, Raigarh, under section 21(4) of the Adhiniyam, 1993. The Collector, during pendency of the dispute, granted stay of the subsequent action pursuant to the no-confidence motion against the respondent No. 5 Sarpanch on 03.07.2006

3. The question of law involved in this petition as well as in W.P(C). No. 173 of 2007 (Mithlesh Kumar Patel Vs. State of Chhattisgarh & Others) are identical. Thus, this petition is being disposed of alongwith W.P.(C) No.173 of 2007.

4. Accordingly, this petition is dismissed for the reasons stated in the judgment and order dated 25.06.2007 passed in W.P.(C) No.173 of 2007 (Mithlesh Kumar Patel Vs. State of Chhattisgarh & Others). No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit